

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

|                            |   |                         |
|----------------------------|---|-------------------------|
| HENRY HORALD WHITE         | ) |                         |
|                            | ) |                         |
| PLAINTIFF,                 | ) |                         |
|                            | ) |                         |
| v.                         | ) | CASE NO. 1:08 CV-10-MEF |
|                            | ) |                         |
| PARKMAN ADAMS, WHITE, LLC, | ) |                         |
| <i>et al.</i> ,            | ) |                         |
|                            | ) |                         |
| DEFENDANTS.                | ) |                         |

**ANSWER**

COME NOW the Defendants, John Powell and Jason Adkins, pursuant to this Court's order of January 10, 2008, and would answer the Plaintiff's Complaint as follows:

1. The Defendants admit that officers of the Dothan Police Department served a valid search warrant on the Plaintiff's residence at 713 N. Cherry Street, Apartment 3, on September 6, 2007, and that the Plaintiff was arrested after the officers found illegal drugs in the apartment.

2. The Defendants admit that officers of the Dothan Police Department served a valid search warrant on the Plaintiff's residence at 713 N. Cherry Street, Apartment 3, on September 20, 2007, and arrested the Plaintiff after the officers discovered illegal drugs in the apartment.

3. The Defendants deny they violated the Plaintiff's Civil Rights in any manner whatsoever.

4. The Defendants deny that they slandered or libeled the Plaintiff.

5. The Defendants deny they assaulted or battered the Plaintiff.

6. The Defendants deny they falsely arrested or maliciously prosecuted the Plaintiff.

7. The Defendants deny any and all allegations contained in the Plaintiff's complaint and accompanying pleadings.

8. The Defendants deny they seized, recovered or removed any money from the Plaintiff or his apartment during the search of September 6, 2007 or September 20, 2007.

### **AFFIRMATIVE DEFENSES**

1. The Defendants assert the affirmative defense of qualified immunity.

2. The Defendants assert the affirmative defense of good faith immunity.

3. The Defendants assert the affirmative defense of discretionary function immunity under Ala. Code § 6-5-338 (1975).

4. The Defendants assert the affirmative defense of sovereign immunity.

5. The Defendants assert that the Plaintiff is not entitled to relief because he did not suffer a constitutional violation.

6. The Defendants assert that Plaintiff cannot establish a violation of Federal law under 42 U.S.C. §1983.

7. The Defendants assert there was probable cause to arrest the Plaintiff on September 6, 2007 and September 20, 2007.

8. The Defendants assert that they had a legal right to enter the Plaintiff's residence and search, based on a search warrant issued by a District Court Judge.

Dated this 19th day of February, 2008.

/s/ D. Kevan Kelly  
D. Kevan Kelly (KEL025)  
Assistant City Attorney  
P.O. Box 2128  
Dothan, AL 36302  
(334) 615-3130

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of February, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I further certify that a copy of the foregoing has been served upon the following by placing same in the United States Mail, postage prepaid:

Henry Harold White, #61001  
Houston County Jail  
901 East Main Street  
Dothan, Alabama 36301

/s/ D. Kevan Kelly  
Of Counsel